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CENTRAL FAX CENTER****FEB 16 2005****Atty's Docket: 101216-19****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO.	09/975,520
APPLICANT	Bettina FATH, et al.,
FILED	October 11, 2001
EXAMINER	L. Channavajjala
ART UNIT	1615
FOR	Composition for the Treatment of Human Hair

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**DECLARATION UNDER RULE 1.132**

I, the undersigned Martin Helmut Hoffmann, hereby states as follows:

I am a German citizen residing at Zwingenberg, Germany.

I am an expert in the field of hair care compositions, as evidenced by my curriculum vitae, attached hereto.

I am employed in the Research and Development department in the position of Technical Project Manager for the KPSS-Kao Professional Salon Services GmbH, assignee of the above-referenced application.

I have reviewed the experiments set forth in detail in the following description, including original documentation and records pertaining thereto, which experiments were originally performed under the direction of the named inventors. As the named inventors are currently unavailable, I submit this declaration in support of the above-referenced application.

**Example 1**

A "leave-on" treatment of the following composition was prepared:

Cetyl stearyl alcohol	2.5 (% by wt.)
Isopropyl myristate	0.2
Stearamidopropyl dimethyl amine	0.6
2-Phenyl benzimidazole-5-sulfonic acid	0.3
Lactic acid	0.3
Perfume	0.1
Green tea extract	0.5
Preservative	0.3
Mica/TiO <sub>2</sub> Pigment (Timiron <sup>®</sup> Diamond Cluster; mean particle diameter: 90% between 20 and 150 µm)	0.5
pH-value:	~4.5
Water	ad 100.0

The following blind test was carried out on slightly damaged hair:

After shampooing with a customary shampoo composition, a Composition 1 according to the above Example was massaged into 5 strands of the wet hair.

Five further strands were treated in an identical manner with a Composition 1A, identical to Composition 1, however, containing no pigment particles.

Two hairdressers each evaluated the strands of hair before and after the drying according to the preference method.

Result	Preference	
	Composition 1	Composition 1A
a) Wet hair		
Feeling of the hair	4 (silky, soft, smooth)	1 (soft, slippery)
Wet combability	5 (very good)	0 (good)
b) Dry hair		
Volume, body	4	1
Hold	4	1
Gloss	4	1
Dry combability	5 (very good)	0 (good)
Texture	5 (silky, soft, smooth from roots to ends)	0 (harder, ends rougher)

This result shows the surprising superiority of the composition according to the invention.

Theses differences appeared more intensively after the strands had been exposed to UV radiation for 24 hours.

**Example 4**

A leave-on treatment of the composition:

Cetearyl alcohol	3.00
Isopropyl palmitate	0.20
Sphingolipid E	0.10
Quaternium-80	0.10
Mica/TiO <sub>2</sub> pigment (Tintiron <sup>®</sup> Diamond Cluster; mean particle size:20 and 150µm)	0.15
Green tea extract	0.05
Benzophenone-4	0.10
Cocoamidopropyl dimethyl amine	0.60
Lactic acid	0.35
Preservative	0.45
Perfume oil	0.20
Ceteareth-20	0.40
Water	ad 100.00

was applied onto one half of the shampooed hair of 8 test persons according to the half-head method.

An identical composition (4A) wherein, however, the cocoamidopropyl dimethyl amine and the benzophenone-4 had been replaced by water, was massaged into the other half of the hair.

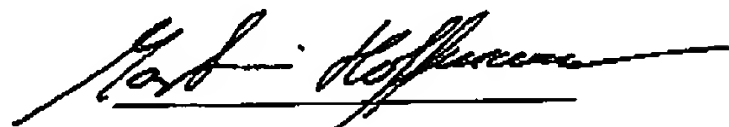
After 10 minutes processing the halves of the hair were evaluated by two experienced hairdressers, whereby neither the hairdressers nor the test persons knew which hair halves had been treated with which of the products (double-blind method).

The following result was obtained:

Properties	Composition 4	Equal	Composition 4 A
	Better		Better
Wet hair			
Combability	5	2	1
Body, suppleness	6	1	1
Dry hair			
Combability	6	1	1
Body	6	1	1
Suppleness	5	2	1
Volume	5	2	1
Gloss	5	2	1

All statements made herein on knowledge are true, and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 04.02.2005



## **Curriculum Vitae**

### **Martin Helmut Hoffmann**

Date of birth: 18.12.1962

Place of birth: Hünfeld – Germany

### **Education:**

Chemical Technology, Fachhochschule Darmstadt – Germany, 1986 – 1990.

### **Professional experience**

KPSS GmbH 1990 - today

04.02.2005  
*Martin Hoffmann*